

**REAL ESTATE BOARD  
MINUTES  
DECEMBER 3, 2009**

**PRESENT:** Stephen Beers, Peter Sveum, Robert Dueholm, Kenneth Lee, and Lisabeth Weirich

**EXCUSED:** Ryan Schroeder and Dennis Pierce

**STAFF PRESENT:** Yolanda McGowan, Bureau Director; Mike Berndt, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL staff

**GUESTS:** Kevin King, Wisconsin Realtors Association (WRA) and Anne Blood

**CALL TO ORDER**

Peter Sveum, Chair, called the meeting to order at 10:09 a.m. A quorum of five (5) members was present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- Correct Screening Panel – to Lisabeth Weirich
- Added Stipulation, 06 REB 022 /135
- Appearance of Respondents at Items E, F, & G have been canceled
- WB-44 & WB-48 added to practice issue update
- The complete RL24
- Add “Broker and Salesperson Licensure” question under practice issues
- Include disciplinary guidelines

**MOTION:** Steven Beers moved, seconded by Kenneth Lee, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES (OCTOBER 29, 2009)**

**Corrections to the Minutes**

- Several questions and corrections were raised. The Minutes will be reviewed and revised as necessary and presented for approval at the next Board meeting.

**ADMINISTRATIVE REPORT  
YOLANDA MCGOWAN, BUREAU DIRECTOR**

**Department Updates & Reminders**

Yolanda McGowan reminded the Chair and Vice-Chair of the training program tonight and tomorrow.

Ms. McGowan reported on information from Bruce Cameron related to open cases. She told the Board that as of October 29, there were 19 cases from 2006 and 22 cases from 2007 that are

considered past the timeline created by the 18 Month Committee. Additionally, as of December 1, there are 21 cases from 2006 and 16 cases from 2007 that are past the timeline created by the 18 Month Committee.

The screening dates, screening panels, and meeting dates have been included in the red folder.

Ms. McGowan introduced Mike Berndt as interim legal counsel.

**PRESENTATION OF PROPOSED STIPULATIONS BY THE DIVISION OF  
ENFORCEMENT OR ANY SUBMITTED AFTER PRINTING OF THE AGENDA**

**06 REB 135/222  
JOHN F. REDEL**

Attorney Arthur Thexon presented the Proposed Stipulation, Final Decision and Order in the matter of John F. Redel. Deliberation will be in closed session.

**06 REB 025  
MICHAEL S. HOBBS**

Attorney Angela Arrington presented the Proposed Stipulation, Final Decision and Order in the matter of Michael S. Hobbs. Deliberation will be in closed session.

**ENFORCEMENT**

**Discuss Guidelines for Unlicensed Practice**

Yolanda McGowan indicated that the “Guidelines” should either be changed to “Historical Data” or formalize the “Guidelines” by creating a Rule by which the Division of Enforcement can be guided.

The Board discussed and agreed to refer to them as historical reference data instead of guidelines.

**Update – Ad Hoc Committee on Real Estate Education and Experience Licensure  
Requirements**

Steven Beers indicated that the Committee hopes to finalize the new broker requirements at the meeting that is scheduled for next week.

**LEGISLATIVE/ADMINISTRATIVE RULES**

**Review and Approval of RL 24**

The Board reviewed RL 24 and made additional revisions to the rule.

**MOTION:** Steven Beers moved, seconded by Kenneth Lee, to approve RL 24 with noted corrections. Motion carried unanimously.

**Discuss Potential Revisions to RL 18**

None.

**Discuss Potential Revisions to RL 16**

None.

**PRACTICE ISSUES**

**Update – Real Estate Forms**

The Board reviewed WB-44 & WB-46. The substance and content of these forms remain the same but the formatting has been revised to appear similar to that of the WB-40, 41, 42, and 47.

**MOTION:** Kenneth Lee moved, seconded by Steven Beers, to approve the WB-44 & WB-46 as to content. Motion carried unanimously.

**Practice Question**

The Board considered the question of whether and how a broker could relinquish a broker licensure and revert to a salesperson licensure instead. Legal Counsel outlined available options.

**MISCELLANEOUS CORRESPONDENCE/INFORMATION**

Steven Beers indicated that there are questions related to time shares. Yolanda McGowan asked the Board to forward names of timeshare salespersons to her. She will contact some of them and see if they are willing to present to the Board and answer questions related to the sale of timeshares. Peter Sveum will contact the WRA to see if they have any contact with time share representatives.

**PUBLIC COMMENTS**

None.

**CONVENE TO CLOSED SESSION**

**MOTION:** Kenneth Lee moved, seconded by Robert Dueholm, to convene to Closed Session to deliberate on cases following hearings (s. 19.85 (1) (a), Stats.); to consider disciplinary investigation with administrative warning (s. 19.85(1) (b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Roll Call Vote: Stephen Beers-yes; Peter Sveum-yes; Robert Dueholm-yes; Kenneth Lee-yes; and Lisabeth Weirich-yes. Motion carried unanimously.

Open session recessed at 12:32 p.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Lisabeth Weirich moved, seconded by Steven Beers, to reconvene into Open Session at 1:35 p.m. Motion carried unanimously.

## **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

### **DELIBERATION ON DISCIPLINARY PROCEEDINGS OR ANY THAT MAY BE RECEIVED AFTER MAILING OF AGENDA**

**MOTION:** Lisabeth Weirich moved, seconded by Steven Beers, to reaffirm the Administrative Warnings in the cases of 08 REB 215 P.M.H. and 08 REB 215 R.M.S. and to reissue an Administrative Warning as amended in case 08 REB 215 J.A.R. Motion carried unanimously.

**MOTION:** Robert Dueholm moved, seconded by Lisabeth Weirich, to issue an Administrative Warning in the cases of 06 REB 034 F.D., 06 REB 063 S.B., 07 REB 006 L.L.S., 07 REB 176 K.M.H., 09 REB 051 B.B., and 09 REB 051 S.M. Motion carried unanimously.

**MOTION:** Lisabeth Weirich moved, seconded by Steven Beers, to reject the Administrative Warning in case 07 REB 037 D.L.S. and return the matter to the Division of Enforcement for further consideration. Motion carried unanimously.

### **CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR ANY RECEIVED AFTER MAILING OF AGENDA**

**MOTION:** Steven Beers moved, seconded by Robert Dueholm, to close the following cases as recommended by the Division of Enforcement. Motion carried unanimously.

1. 06 REB 034 Prosecutorial Discretion (P7)
2. 06 REB 063 Prosecutorial Discretion (P7)
3. 06 REB 169 Prosecutorial Discretion (P5)
4. 07 REB 006 Prosecutorial Discretion (P5)
5. 07 REB 056 Prosecutorial Discretion (P2)
6. 07 REB 101 Prosecutorial Discretion (P2)
7. 07 REB 105 Prosecutorial Discretion (P5)
8. 07 REB 119 Prosecutorial Discretion (P3)
9. 07 REB 156 No Violation
10. 07 REB 161 Insufficient Evidence
11. 07 REB 243 Prosecutorial Discretion (P3)
12. 08 REB 071 No Violation
13. 08 REB 088 Prosecutorial Discretion (P3)
14. 09 REB 051 No Violation

15. 07 REB 037 Prosecutorial Discretion (P2) for all but respondent D.L.S.

**MOTION:** Steven Beers moved, seconded by Kenneth Lee, to close case 09 REB 087 for Prosecutorial Discretion (P5). Motion carried unanimously.

**DELIBERATION ON PROPOSED STIPULATIONS OR  
ANY RECEIVED AFTER MAILING OF AGENDA**

**MOTION:** Robert Dueholm moved, seconded by Steven Beers, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Michael S. Hobbens and Hobbens Realty Inc. (06 REB 025). Motion Carried.

**MOTION:** Robert Dueholm moved, seconded by Lisabeth Weirich, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of John F. Redel (06 REB 135/222). Motion carried. Steven Beers abstained.

**CONSULTING WITH LEGAL COUNSEL**

The Board consulted with legal counsel throughout the meeting as the need was identified.

**SUCH OTHER ITEMS AS AUTHORIZED BY LAW**

None.

**DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings**

Signatures were collected for all required documents.

**OTHER BOARD BUSINESS**

Next Meeting: February 18 – 10:00 AM

**ADJOURNMENT**

**MOTION:** Robert Dueholm moved, seconded by Steven Beers, to adjourn the meeting at 1:47 p.m. Motion carried unanimously.